IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 21951 of 2007(L)

PETITIONERS:

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1. P.MADHU,
   PALLIYANA HOUSE, P.O.ANNAKARA, THRISSUR.

2. K.P.MOHANAN, S/O. PRABHAKARAN,
   KATTIKULAM HOUSE, EDATHIRUTHY, THRISSUR.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

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1. THE SECRETARY,
   REGIONAL TRANSPORT AUTHORITY, THRISSUR.

2. V.B.BHOOPESH,
   VELLANCHERY HOUSE, NATTIKA P.O., THRISSUR.

BY ADV. SRI.G.PRABHAKARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.21951 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the proceedings of the R.T.A., Thrissur dtd.19.10.2005.

Ext.P2: Copy of the proceedings of the 1st respondent dtd.24.4.2007.

Ext.P3: Copy of the representation filed by the 1st petitioner dtd.21.6.2007.

Ext.P3(a): Copy of the representation filed by 2nd petitioner dtd.6.6.2007.

Ext.P4: Copy of the proceedings of the 1st respondent dtd.22.6.2007.

Ext.P5: Copy of the memorandum of appeal in MVAA No.328 of 2007 dtd.28.6.2007.

Ext.P6: Copy of the order dtd.28.6.2007 in M.P.No.1484 of 2007 in MVAA No.328 of 2007.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 21951 OF 2007 - L

Dated this the 30th day of July, 2007

J U D G M E N T

The petitioners challenge Ext.P6 stay order passed by the State Transport Appellate Tribunal, Ernakulam in M.P.No.1484/2007 in M.V.A.A.No.328 of 2007 on the ground that the appeal was filed by the second respondent without impleading the petitioners herein as party respondents in spite of the fact that the order impugned in the appeal itself clearly shows that the petitioners are objectors in the proceedings before the R.T.A. The very fact that the second respondent has not chosen to implead the petitioners as party respondents in the appeal before the Tribunal vitiates the order obtained by him in that appeal.

2. In the above circumstances, I am inclined to keep Ext.P6 interim order in abeyance until the second respondent impleads the petitioners in the proceedings and the matter is heard, after hearing the petitioners also. Accordingly, there would be a direction to that effect.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

Judge

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007